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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

BITTORRENT, INC.,

CASE NO. 5:12-cv-02525 EJD

Plaintiff(s),

**ORDER SETTING DEADLINE FOR
SERVICE OF PROCESS**

v.

BITTORRENT MARKETING GMBH,

Defendant(s).

On May 16, 2012, Plaintiff BitTorrent, Inc. (“Plaintiff”) filed the Complaint underlying this action. See Docket Item No. 1. To date, however, the docket does not contain a proof of service or waiver of service for any defendant, and no defendant has appeared in this action.

Generally, service of process must be completed within 120 days of the after the complaint is filed. Fed. R. Civ. P. 4(m). If not, “the court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Id. This 120-day deadline does not apply, however, in instances requiring service in a foreign country. Id.

Here, the only named defendant appears to be domiciled in Germany, thereby exempting this action from the Rule 4(m) deadline. But at the same time, the court notes this case has been pending for over one year, unserved, without further progress. Under these circumstances, “the court is not precluded from setting a reasonable time limit for service in a foreign country so that it can properly manage a civil case.” Karimi v. Poker Media Sys. SAS, Case No. 2:13-cv-01250-JCM-NJK, 2013

1 U.S. Dist. LEXIS 112587, at *6, 2013 WL 4048578 (D. Nev. Aug. 8, 2013).

2 Accordingly, the court orders Plaintiff to effectuate service of process on Defendant
3 BitTorrent Marketing GMBH and file documents to show proof of service of the Summons and
4 Complaint on or before **December 2, 2013**. Plaintiff is notified that the court will dismiss this
5 action without prejudice if proof of service is not filed by the date ordered herein.

6 **IT IS SO ORDERED.**

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8 Dated: October 2, 2013


9 EDWARD J. DAVILA
United States District Judge